

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROBERT DAVID STEELE *et al.*,

Plaintiffs,

v.

Civil Action No. 3:17cv601

JASON GOODMAN *et al.*,

Defendants.

**PATRICIA A. NEGRON'S REQUEST FOR GUIDANCE FROM THE COURT AS TO
DEADLINE TO FILE FINAL PRETRIAL ORDER, OR IN THE ALTERNATIVE,
MOTION FOR EXTENSION OF TIME TO FILE FINAL PRETRIAL ORDER**

NOW COMES Defendant, Patricia A. Negron (“Ms. Negron” or “Defendant”), by counsel, and moves this Honorable Court for guidance from the Court as to the deadline to file the Joint Final Pretrial Order, or in the alternative, motion for an extension of time to file Joint Final and in support thereof states as follows:

1. The Court issued its Initial Pretrial Order on August 1, 2019 (ECF 157), and directed the parties to file a Final Pretrial Order 7 days before the Final Pretrial Conference. The Final Pretrial Order shall include the following:

48. Not later than seven (7) days before the Final Pretrial Conference, the parties shall jointly submit a proposed Final Pretrial Order, endorsed by counsel and setting forth all resolved and disputed matters related to trial evidentiary issues. The proposed Final Pretrial Order shall be broken down by the following sections: (1) Stipulated Facts; (2) Legal and Evidentiary Stipulations (including jurisdiction and venue); (3) List of Proposed Witnesses by Each Party; (4) Exhibits (including identification of those exhibits to which there is no objection); (5) Factual Contentions as set forth by each party; and, (6) Triable Issues as set forth by each party.

2. On January 29, 2020, the Court continued the trial date until May 5-7, 2020 and set a Final Pretrial Conference for March 19, 2020.

3. Per the Initial Pretrial Order, many of the deadlines are based off the trial date, and the following deadlines are upcoming:

03/26/20	Deadline for plaintiff to file proposed list of exhibits and witnesses
03/26/20	Deadline for plaintiff to designate any discovery, including deposition excerpts intended to be introduced at trial
03/26/20	Deadline for counsel to meet and confer by telephone in an attempt to enter into stipulations of fact
04/03/20	Deadline for defendant to designate any discovery intended to introduce at trial, including portions of depo transcripts.
04/03/20	Deadline for defendant to file a proposed list of witnesses and exhibits*
04/03/20	Deadline for parties to file agreed upon stipulations of fact with the clerk
04/10/20	Deadline for plaintiff to designate any rebuttal discovery
04/10/20	Deadline for plaintiff to file list of rebuttal witnesses and exhibits
04/15/20	Deadline to file any objections to the use of designated discovery with a copy of the discovery objected to
04/15/20	Deadline to file objections to proposed witnesses and exhibits.
04/24/20	Deadline for hearing on non-dispositive motions and motions in limine
04/24/20	Deadline to file proposed jury instructions with proposed jury verdict form
04/28/20	Deadline to submit 4 copies of all proposed exhibits
04/28/20	Deadline to file proposed voir dire questions
04/28/20	Deadline to file objections to any jury instructions

05/01/20	Deadline for plaintiff to file a set of all instructions as to which the parties are in agreement and a separate set of instructions that remain in dispute
05/01/20	Deadline to file objections to voir dire questions

4. The highlighted items must be factored into the Final Pretrial Order.
5. On March 7, 2020, Plaintiffs' counsel sent a draft 50 page proposed Final Pretrial Order in PDF format, and contacted the other parties via email indicated that he believed it to be due March 12. Counsel for Ms. Negron requested that a WORD version be circulated, and one was sent via a secure link because of its enormous file size, as it contained embedded videos and links to websites.
6. It became clear in reviewing the proposed Final Pretrial Order that it was meaningless to so without having completed the other trial preparation highlighted above.
7. Counsel for Negron attempted to secure agreement between the parties to file a joint motion seeking an extension of time or clarification of the true deadline of the Final Pretrial Order.
8. The Plaintiff's oppose this Motion and indicated they intend to file their draft Final Pretrial Order today.
9. To date, no witness or exhibits are due to be filed yet, nor objections to the same. Nor have the parties met and conferred fully on the all the items contemplated in the Final Pretrial Order.
10. No party would be prejudiced by this Motion, and indeed, to require a Final Pretrial Order to be filed without all of the other trial preparation not yet due would put form over function and waste of resources.

WHEREFORE, Defendant, Patricia A. Negron, hereby requests that the Court enter an Order that clarifies the date on which the Final Pretrial Order is due, or if due today, grant an extension of time until a date certain that all other trial preparation be completed.

PATRICIA A. NEGRON

By: /s/ Terry C. Frank

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CERTIFICATE OF SERVICE

I hereby certify that on this March 12, 2020, a true copy of the foregoing is being electronically filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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And sent via email and first-class mail, postage prepaid, to:

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